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Letters to the Editor

Don't Undercut Consensus on CIA

No one could hope more than I that Director of Central Intelligence William Casey succeeds in strengthening the CIA and other intelligence agencies. At the same time, no one could hope more than I that Director Casey does not follow all the advice set forth in your editorial, "Casey's Challenge" (June 4).

Those elements of Executive Order 12036 that you condemn are designed to ensure that the clandestine capabilities of the CIA and other intelligence agencies are not turned against law-abiding Americans. Removing these provisions will undercut the consensus by which the CIA operates. Participation in such controversial activities will call into question the entire mission of the CIA, including the valuable and irreplaceable work done by it in gathering intelligence overseas. Contrary to the implication in your piece, E.O. 12036 contains virtually no restrictions on intelligence activities abroad.

In your editorial you state that the CIA's activities are "extra-legal." Of course, an aspect of this country's uniqueness lies in the fact that no agency of the United States, including the CIA, can be outside the law. The constitutional and legal rights enjoyed by Americans cannot be ignored, even by an agency whose work is as vital to the national security as is the CIA's.

While the agency must work in secret, the parameters of its activities are set forth publicly in the National Security Act of 1947, the CIA Act of 1949, the Intelligence Authorization Act of 1980 and E.O. 12036. Thus, Americans can be assured that the intelligence agencies are engaged in vital work without infringing on freedoms. Contrary to the statement in your article, "classified sections of the order" cannot have become "a straitjacket on the CIA" simply because there are no secret sections of the order.

What you call "President Carter's Executive Order 12036," is, in fact, a revision

of President Ford's E.O. 11905, E.O. 12036 is consistent in tone and form with its predecessor and was formulated with the advice of the operational components of the intelligence agencies. The order represents a consensus reached between the Carter administration and representatives of both parties in Congress. After four years of experience with the current order, of course, some changes, which improve operational effectiveness within the law, may be warranted. Yet this does not necessitate scrapping the current order.

I would hate to discard the years of experience under this format which has evolved into procedures that permit collection of necessary intelligence without compromising Americans' constitutional liberties and rights of privacy. If each new administration issues an entirely new Executive Order on intelligence activities, the professional and apolitical nature of the intelligence agencies will certainly be diminished. The basic mission of the intelligence agencies should be to gather foreign intelligence overseas and to protect our own national security through a vigorous counterintelligence program at home. Assuring these aims without infringing upon constitutional rights is the aim of E.O. 12036 and should remain the aim of any revisions by the current administration.

Those of us who support doing all possible to enhance what is already the world's best intelligence apparatus, so vital in the troubled times ahead, must not be seen to support repeal of those provisions of the Executive Order that provide assurance to law-abiding Americans that they will not become the targets of intelligence agencies. Instead, we should concentrate on assuring the intelligence community that it has the support of the people in fulfilling its mission.

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U.S. Senate

Washington